
TITLE 327 WATER POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

LSA Document #06-280

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING GROUND WATER QUALITY STANDARDS FOR ARSENIC

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to [327 IAC 2-11-6](#) concerning the numeric criteria for arsenic in the ground water quality standards. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: August 9, 2006, Indiana Register ([20060809-IR-327060280FNA](#)).

CITATIONS AFFECTED: [327 IAC 2-11-6](#).

AUTHORITY: [IC 13-18-3-1](#); [IC 13-18-4-1](#); [IC 13-18-4-3](#); [IC 13-18-4-4](#); [IC 13-18-4-5](#); [IC 13-18-17-5](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

[IC 13-18-17-5](#)(a)(3) requires the Water Pollution Control Board to adopt rules concerning ground water quality standards to establish health protection goals for untreated water in water supply wells. The federal maximum containment level (MCL) for arsenic in drinking water was reduced from 0.05 mg/L to 0.010 mg/L in January 2006. Since the federal MCL has been reduced, IDEM is reducing the numeric criteria for arsenic as a health protective goal for untreated ground water used as drinking water, which is also the maximum permissible level of a contaminant in drinking water class ground water.

[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed Under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

Potential Fiscal Impact

It is anticipated that there will be little to no economic effect. The main impact will be to sites undergoing remediation. All sites currently testing their monitoring wells for arsenic will have to test to the 0.010 mg/L standard. Some sites may have to change their laboratories if their current laboratory cannot test to the new limit. Facilities currently in remediation may need to conduct additional testing to show the new limit. There may be a charge to those facilities to explain deviations to the Office of Land Quality program area overseeing their remediation.

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a Small Business Assistance Program Ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at www.in.gov/idem/compliance/ctap.

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf
IDEM Compliance and Technical Assistance Program
OPPTA-MC60-04
100 N. Senate Avenue, W-041
Indianapolis, IN 46204-2251
(317) 232-8578
selyusuf@idem.in.gov

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen
IDEM Small Business Assistance Program Ombudsman
External Affairs-MC50-01
100 N. Senate Avenue, IGCN 1301
Indianapolis, IN 46204-2251
(317) 234-3386

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Michelle Reeves, Rules Section, Office of Water Quality at (317) 328-0073 or (800) 451-6027 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from August 9, 2006, through September 8, 2006, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the first notice of public comment period.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to:

#06-280(WPCB) Ground Water Quality Standards for Arsenic

Michelle Reeves

c/o Administrative Assistant

Rules Development Section

Watershed-Planning Branch

Office of Water Quality

Indiana Department of Environmental Management

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the twelfth floor reception desk, Office of Water Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by November 24, 2006.

Additional information regarding this action may be obtained from Michelle Reeves, Rules Development Section, Office of Water Quality, (317) 233-8587 or (800) 451-6027 (in Indiana). Technical information concerning these rules may be obtained from Stacy Jones, Drinking Water Branch, Office of Water Quality, (317) 308-3292 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [327 IAC 2-11-6](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 2-11-6](#) Criteria for drinking water class ground water

Authority: [IC 13-18-3-1](#); [IC 13-18-4-1](#); [IC 13-18-4-3](#); [IC 13-18-4-4](#); [IC 13-18-4-5](#); [IC 13-18-17-5](#)

Affected: [IC 4-22-2](#); [IC 13-14-9](#); [IC 13-18-4](#); [IC 13-18-17](#)

Sec. 6. (a) The following numeric criteria are health protective goals for untreated ground water used as drinking water and are the maximum permissible level of a contaminant in drinking water class ground water:

(1) **The following are the** numeric criteria for select inorganic contaminants:

Contaminant	Criterion (mg/l unless noted) ¹
Antimony	0.006
Arsenic	0.05 0.010
Asbestos	7 MFL ²
Barium	2
Beryllium	0.004
Cadmium	0.005
Chromium (total)	0.1
Combined beta/photon emitters	4 mrem/yr ³
Cyanide (free)	0.2
Fluoride	4

Gross alpha particle activity (including radium 226 but excluding radon and uranium)	15 pCi/L ⁴
Lead	0.015
Mercury (inorganic)	0.002
Nitrate (as N)	10
Nitrite (as N)	1
Radium 226 and 228 (combined)	5 pCi/L
Selenium	0.05
Thallium	0.002

Notes:

¹mg/l is milligrams per liter.²MFL is million fibers per liter greater than 10 micrometers in length.³mrem/yr is millirems per year.⁴pCi/L is picocuries per liter.(2) **The following are the** numeric criteria for select organic contaminants:

Table 6(a)(2)
Numeric Criteria for Organic Contaminants in Drinking Water Class Ground Water

Chemical Abstract Registry Numbers	Contaminant	Criterion (mg/l unless noted)
15972-60-8	Alachlor	0.002
1912-24-9	Atrazine	0.003
71-43-2	Benzene	0.005
50-32-8	Benzo(a)pyrene	0.0002
1563-66-2	Carbofuran	0.04
56-23-5	Carbon tetrachloride	0.005
57-74-9	Chlordane	0.002
94-75-7	2,4-D	0.07
75-99-0	Dalapon	0.2
103-23-1	Di(2-ethylhexyl)adipate	0.4
96-12-8	Dibromochloropropane (DBCP)	0.0002
95-50-1	Dichlorobenzene, 1,2-	0.6
106-46-7	Dichlorobenzene, 1,4-	0.075
107-06-2	Dichloroethane, 1,2-	0.005
75-35-4	Dichloroethylene, 1,1-	0.007
156-59-2	Dichloroethylene, cis-1,2-	0.07
156-60-5	Dichloroethylene, trans-1,2-	0.1
75-09-2	Dichloromethane or methylene chloride	0.005
78-87-5	Dichloropropane, 1,2-	0.005
117-81-7	Di(2-ethylhexyl)phthalate	0.006
88-85-7	Dinoseb	0.007
85-00-7	Diquat	0.02
145-73-3	Endothall	0.1
72-20-8	Endrin	0.002
100-41-4	Ethylbenzene	0.7
106-93-4	Ethylene dibromide (EDB)	0.00005
1071-83-6	Glyphosate	0.7
76-44-8	Heptachlor	0.0004
1024-57-3	Heptachlor epoxide	0.0002
118-74-1	Hexachlorobenzene	0.001
77-47-4	Hexachlorocyclopentadiene	0.05
58-89-9	Lindane (gamma-BHC)	0.0002
72-43-5	Methoxychlor	0.04
108-90-7	Monochlorobenzene	0.1

23135-22-0	Oxamyl (vydate)	0.2
87-89-5	Pentachlorophenol	0.001
1918-02-1	Picloram	0.5
1336-36-3	Polychlorinated biphenyls (PCBs)	0.0005
122-34-9	Simazine	0.004
100-42-5	Styrene	0.1
1746-01-6	2,3,7,8-TCDD (Dioxin)	0.00000003
127-18-4	Tetrachloroethylene	0.005
108-88-3	Toluene	1
8001-35-2	Toxaphene	0.003
93-72-1	2,4,5-TP (Silvex)	0.05
120-82-1	Trichlorobenzene, 1,2,4-	0.07
71-55-6	Trichloroethane, 1,1,1-	0.2
79-00-5	Trichloroethane, 1,1,2-	0.005
79-01-6	Trichloroethylene	0.005
75-01-4	Vinyl chloride	0.002
1330-20-7	Xylenes (total)	10

(3) A drinking water class numeric criterion may be added to the criteria established in this subsection if adopted according to [IC 4-22-2](#) and [IC 13-14-9](#).

(b) An agency shall determine if further action is necessary to comply with the narrative criteria established in section 5 of this rule if the following indicator levels are exceeded in drinking water class ground water:

- (1) Chloride at two hundred fifty (250) milligrams per liter.
- (2) Sulfate at two hundred fifty (250) milligrams per liter.
- (3) Total dissolved solids at five hundred (500) milligrams per liter.
- (4) Total coliform bacteria at nondetect.

(c) If the commissioner determines that a site-specific numeric criterion for a contaminant without a drinking water class numeric criterion established in subsection (a) is necessary to protect human health, any natural resource, or the environment, a risk analysis shall be used to establish a numeric criterion for that contaminant and must:

- (1) receive approval from the commissioner; and
- (2) be based upon appropriate toxicological data.

(d) The naturally occurring concentration of a contaminant in drinking water class ground water shall be the numeric criterion if that contaminant occurs at a concentration greater than the drinking water numeric criterion established in subsection (a) or (c) or an indicator level established in subsection (b).

(e) If drinking water class ground water at a facility, practice, or activity is determined to have one (1) or more contaminant concentrations above the numeric criteria established in this section that are not attributable to the facility, practice, or activity under consideration, an agency shall manage the facility, practice, or activity or implement programs such that:

- (1) the facility, practice, or activity causes no further increase in the concentration of the contaminant determined to be above the numeric criterion established in this section; and
- (2) any design standard or management requirements that apply to the facility, practice, or activity are at least as stringent as the design standard and management requirements that would be applied to a facility, practice, or activity where ground water does not have one (1) or more contaminant concentrations above the numeric criteria established in this section.

(f) The commissioner may, for a ground water contamination assessment or remediation at a facility, practice, or activity under the jurisdiction of the department of environmental management, allow an appropriate site-specific, risk-based numeric criterion different from the numeric criterion established in subsection (a) or (d) to be applied to drinking water class ground water within the boundary of the ground water management zone established according to section 9 of this rule.

(Water Pollution Control Board; [327 IAC 2-11-6](#); filed Feb 4, 2002, 11:00 a.m.: 25 IR 1879)

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